

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
September 20, 2007

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of the Memorial Borough Hall on September 20, 2007 and was called to order by Mayor John E. Ekdahl at 7:30 p.m.

Pledge of Allegiance.

Present: Mayor Ekdahl, Councilwoman DeVoe, Councilmen Hemphill, Kammerer, Rubin and Shanley.

Absent: Councilman Broderick.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

C. Bernard Blum, Jr., Borough Engineer, was present.

David Marks of T & M Associates was present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2007 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the minutes of the previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

COMMUNICATIONS:

**LETTER FROM JOHN R. EMERY ADVISING OF HIS RESIGNATION AS MEMBER
AND VICE CHAIRMAN OF THE RUMSON PLANNING BOARD EFFECTIVE
SEPTEMBER 10, 2007:**

The Municipal Clerk/Administrator read the following letter to the Mayor and the Planning Board Chairman dated August 18, 2007 from John R. Emery advising of his resignation as a member and Vice Chairman of the Planning Board Committee:

Dear John and Trudy:

This note will be formal notification of my intention to resign from the Rumson Planning Board, effective with the September 10th meeting.

It has been an interesting and challenging 6 years as we have tried to control the overbuilding and increasing overdevelopment that has characterized the six years since I joined the Board.

Good luck in the years ahead. I will be watching with interest to see how the “sub prime” debacle impacts Rumson real estate and development values.

Sincerely,

John R. Emery

Councilwoman DeVoe stated that John had served the town willingly, had done a marvelous job and he would be missed.

On motion by Councilwoman DeVoe, seconded by Councilman Hemphill, this communication and resignation were ordered received with regret and appreciation for his years of service. All in favor.

LETTER FROM ROBERT J. MARASS, SECRETARY OF THE OCEANIC HOOK & LADDER CO. NO. 1, INC. ADVISING OF AN APPLICATION FOR LAURA A. HESSE FOR ASSOCIATE REGULAR ACTIVE MEMBER IN THE FIRE COMPANY:

The Municipal Clerk/Administrator advised of a letter dated September 6, 2007 from Robert J. Marass, Secretary of the Oceanic Hook & Ladder Co. No. 1, Inc. advising of the application for Laura A. Hesse to become an Associate Regular Active Member in the Fire Company.

On motion by Councilman Kammerer, seconded by Councilman Rubin, this communication was ordered received and the application of Laura A. Hesse was approved for membership in the Oceanic Hook & Ladder Co. No. 1, Inc. All in favor.

LETTER FROM JENN CROW, 6TH GRADE TEACHER AT FORRESTDALE SCHOOL, REQUESTING PERMISSION TO USE THE MUNICIPAL BOAT RAMP FOR HER SCIENCE CLASSES TO MONITOR THE WATERSHED, INCLUDING WATER TESTING AND OYSTER MEASUREMENTS ON A MONTHLY BASIS WITH A 3' TALL, 1.5' WIDE AND 6" DEEP FLOAT, FOR THE 2007-2008 SCHOOL YEAR:

The Municipal Clerk/Administrator advised of a letter to the Mayor and Council dated September 7, 2007 from Jenn Crow, 6th grade teacher at Forrestdale School requesting permission to use the Municipal Boat Ramp for her science classes to monitor the watershed during the 2007-2008 school year; this will be the third year for the program. Mrs. Crow explained in her letter that the classes would be taking measurements monthly of the growth of baby oysters that are to be floated from a 3' X 1.5' X 6" float and that their findings would be posted on the Internet on World Water Monitoring Day on October 18, 2007. A sign is to be placed at the Boat Ramp educating the public on the students' project.

On motion by Councilwoman DeVoe, seconded by Councilman Shanley, this communication was ordered received and the request for the Forrestdale 6th grade science project at the Municipal Boat Ramp was approved. All in favor.

LETTER FROM MISSY POTTER REQUESTING PERMISSION FOR THE USE OF BINGHAM HALL TO HOLD THE EIGHTH GRADE HALLOWEEN DANCE ON FRIDAY, OCTOBER 26, 2007 FROM 8:00 P.M. TO 10:00 P.M. (SETUP BEGINNING AT 3:00 P.M. AND CLEANUP UNTIL 11:00 P.M.) WITH A DJ PROVIDING THE MUSIC AND 125 STUDENTS WITH 10 ADULT CHAPERONES—NO FOOD WILL BE SERVED, ONLY BOTTLED WATER WILL BE PROVIDED:

The Municipal Clerk/Administrator advised of a letter dated September 17, 2007 from Missy Potter requesting the use of Bingham Hall for the Forrestdale 8th Grade Halloween Dance on Friday, October 26, 2007. Ms. Potter advised that they will begin setup at 3:00 p.m., the Dance will be held 8:00 p.m.-10:00 p.m., and it should all be cleaned up by 11:00 p.m.; a DJ will provide the music, 125 students and 10 adult chaperones will be in attendance; and water bottles will be provided, but no food will be served.

The Municipal Clerk/Administrator advised that this event had been approved in the past and that last year the Mayor and Council had a concern that the building might be damaged by decorations; all decorations were displayed in a manner not to cause damage to the structure.

Councilwoman DeVoe inquired if there were any written guidelines given to organizations that use Bingham Hall to outline that no tape, thumbtacks and the like were to be used that could damage the walls.

The Municipal Clerk/Administrator advised that the people in charge of the event have to sign out the key at Borough Hall and that the form states that they understand the rules and regulations. He added that, at the Council's request, he had met with the School representatives in charge of this event to go over what could and could not be done.

On motion by Councilwoman DeVoe, seconded by Councilman Hemphill, this communication was ordered received and the request for the Forrestdale 8th Grade Halloween Dance at Bingham Hall on Friday October 26, 2007 was approved. All in favor.

LETTER FROM DIANA MILKOWSKI REQUESTING PERMISSION FOR THE USE OF BINGHAM HALL TO HOST A WEEKLY, ONE-HOUR ART CLASS TAUGHT BY ART KANEY ("THE DOODLE DUDE") FOR RUMSON CHILDREN 6-9 YEARS OLD FOR SIX WEEKS BEGINNING WEDNESDAY, OCTOBER 3RD FOR \$150 PER CHILD:

The Municipal Clerk/Administrator advised of a letter dated September 17, 2007 from Diana Milkowski of 167 Bingham Avenue requesting permission to use Bingham Hall for a children's evening art class for one hour per week for a period of six weeks beginning October 3, 2007. Ms. Milkowski advised in her letter that the teacher would be Art Kaney, "The Doodle Dude," a local cartoonist employed by Sea Shore Day Camp and School; the classes would be opened between 10-15 children ages 6-9; the cost per child would be \$150.00.

Councilwoman DeVoe stated that she understood that the classes were for the artistic benefit of the children but thought that \$150.00 per child for the teacher's compensation was steep and a very commercial program.

Councilman Shanley stated that he agreed that a fee of that amount being charged makes it a profit making endeavor and questioned whether that was the intended use of Bingham Hall.

The Municipal Clerk/Administrator stated that there has been no other use of Bingham Hall like this request.

Councilman Shanley stated that approval of this request would be precedent setting and that the use of Bingham Hall was meant to be a facility for community events, such as the Halloween Dance, Scouts and Borough Recreation events and meetings and not for commercial endeavors. He added that it did provide artistic benefits for the children that could afford to attend the classes, however, it was not what the Council had initially intended.

Councilwoman suggested that another location be chosen for these classes and that it was inappropriate for a Borough facility to be used for a commercial operation.

Mayor Ekdahl stated that he was not saying that he was in favor of the commercial use of Bingham Hall, but the Borough has allowed recreational activities for fees to the instructors, such as summer camps and clinics, to be held on Borough property in the past.

It was debated if the two were similar in nature.

Mayor Ekdahl stated that Bingham Hall was a single structure and has many demands for its use, where the Borough has many fields for use for athletic programs.

Councilwoman DeVoe understood the Mayor's point, but felt that the athletic activities were different in purpose than this request.

Mayor Ekdahl stated that the parents of the artistic child may argue that point.

Councilman Shanley stated that he felt that this program should be held at another location.

The Municipal Clerk/Administrator suggested that perhaps the program could be run through the Recreation Program.

Mayor Ekdahl suggested that the matter be tabled at this time and discussed further at the Council work meeting later this evening with the discussion on the agenda for other Recreation programs.

On motion by Councilman Rubin, seconded by Councilman Hemphill, this communication and a decision on this request were ordered tabled at this time. All in favor.

CONSENT AGENDA:

LETTER FROM BARLEY POINT, INC. ENCLOSING AN APPLICATION FOR A STATE D.E.P. DIVISION OF LAND USE REGULATION WATERFRONT DEVELOPMENT GENERAL PERMIT 14 TO CONSTRUCT RETURNS FOR A LEGALLY EXISTING, FUNCTIONING BULKHEAD AT BOTH THE WESTERN AND EASTERN ENDS AND A RIPRAP IN FRONT OF THE EXISTING BULKHEAD AT BARLEY POINT:

The Municipal Clerk/Administrator advised of a letter dated August 24, 2007 from Maureen C. O'Neill, President of Barley Point, Inc., enclosing an application for a New Jersey Department of

Environmental Protection Division of Land Use Regulation Waterfront Development General Permit 14 for the construction of returns on a legally existing, functioning bulkhead at both the western and eastern ends and a riprap in front of the existing bulkhead on the Barley Point property at 142 Blackpoint Road.

APPLICATION FOR A STATE D.E.P. DIVISION OF LAND USE REGULATION CAFRA PERMIT 14 FOR JOHN AND REGINA GUARINO TO REPLACE BULKHEAD AND RAISE THE HEIGHT 1 OR 2 FEET AND FILL AT PROPERTY LOCATED AT 15 WARDELL AVENUE:

The Municipal Clerk/Administrator advised of an application to the State of New Jersey Department of Environmental Protection Division of Land Use Regulation CAFRA General Permit 14 for the replacement of a bulkhead and to raise the height about 1 to 2 feet and fill for John and Regina Guarino for property located at 15 Wardell Avenue as shown on the plans.

LETTER FROM MASER CONSULTING P.A., ON BEHALF OF THE RUMSON COUNTRY CLUB FOR PROPERTY LOCATED AT 163 RUMSON ROAD, ENCLOSING A COPY OF AN APPLICATION TO THE STATE D.E.P. DIVISION OF LAND USE REGULATION FOR A CAFRA INDIVIDUAL PERMIT FOR THE RECONSTRUCTION OF AN EXISTING YACHT CLUB, INCLUDING THE POOL AND DINING AREAS AS SHOWN ON THE PLAN:

The Municipal Clerk/Administrator advised of a letter from Maser Consulting P.A., on behalf of the Rumson Country Club for property located at 163 Rumson Road, enclosing a copy of an application to the State of New Jersey Department of Environmental Protection for a CAFRA Individual Permit for the reconstruction of an existing yacht club, which will include the pool and dining areas as shown on the plans.

LETTER FROM THE STATE D.E.P. OFFICE OF DREDGING AND SEDIMENT TECHNOLOGY ADVISING OF THE APPROVAL OF THE RENEWAL OF THE WATERFRONT DEVELOPMENT PERMIT/WATER QUALITY CERTIFICATE/ACCEPTABLE USE DETERMINATION OF ROSS MILLHISER FOR MAINTENANCE DREDGING IN THE SHREWSBURY RIVER LOCATED AT 11 NORTH WARD AVENUE:

The Municipal Clerk/Administrator advised of a letter dated September 5, 2007 from the State of New Jersey Department of Environmental Protection Office of Dredging and Sediment Technology advising of the approval of the renewal of the Waterfront Development Permit/Water Quality Certificate/Acceptable Use Determination of Ross Millhiser for maintenance dredging in the Shrewsbury River Located at North Ward Avenue as shown on the plans.

LETTER FROM THE STATE D.E.P. DIVISION OF WATER SUPPLY REGARDING THE RUMSON COUNTRY CLUB APPLICATION TO DIVERT 19.9 MILLION GALLONS OF WATER PER YEAR FROM AN EXISTING ENGLISHTOWN WELL AND AN EXISTING OFF-STREAM POND TO BE USED FOR GOLF COURSE IRRIGATION:

The Municipal Clerk/Administrator advised of a letter from the State of New Jersey Department of Environmental Protection Division of Water Supply advising that all comments must be received by October 9, 2007 regarding the application for the Rumson Country Club to divert

19.9 million gallons of water per year from an existing Englishtown well and an existing off-stream pond to be used for golf course irrigation at the Club property at 163 Rumson Road.

LETTER FROM THE STATE D.E.P. DIVISION OF LAND USE REGULATION ADVISING OF THE APPROVAL OF THE COASTAL CAFRA PERMIT FOR RICHARD E. AND MARGARET A. BRIGGS FOR THE DEMOLITION OF AN EXISTING SINGLE-FAMILY DWELLING AND CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING, DRIVEWAY AND ASSOCIATED SITE IMPROVEMENTS FOR PROPERTY LOCATED AT 15 HIGHLAND AVENUE:

The Municipal Clerk/Administrator advised of a letter from the State of New Jersey Department of Environmental Protection Division of Land Use Regulation advising of the approval of the CAFRA Coastal General Permit for Richard E. and Margaret A. Briggs for the demolition of an existing single-family dwelling and construction of a new single-family dwelling, driveway and associated site improvements for property located at 15 Highland Avenue.

LETTER FROM THE STATE D.E.P. DIVISION OF WATER QUALITY ADVISING OF THE APPROVAL OF THE APPLICATION FOR EXEMPTION FROM THE SEWER CONNECTION BAN IMPOSED BY THE TWO RIVERS WATER RECLAMATION AUTHORITY FOR SEA BRIGHT LAWN TENNIS AND CRICKET CLUB AT 5 TENNIS COURT LANE:

The Municipal Clerk/Administrator advised of a letter from the State of New Jersey Department of Environmental Protection Division of Water Quality advising of the approval of the application for exemption from the Sewer Connection Ban imposed by The Two Rivers Water Reclamation Authority for Sea Bright Lawn Tennis and Cricket Club at 5 Tennis Court Lane for a dwelling.

LETTER FROM THE STATE D.E.P. DIVISION OF WATER QUALITY ADVISING OF THE APPROVAL OF THE APPLICATION FOR EXEMPTION FROM THE SEWER CONNECTION BAN IMPOSED BY THE TWO RIVERS WATER RECLAMATION AUTHORITY FOR JNM HOLDINGS, INC. AT 36-38 BINGHAM AVENUE:

The Municipal Clerk/Administrator advised of a letter from the State of New Jersey Department of Environmental Protection Division of Water Quality advising of the approval of the application for exemption from the Sewer Connection Ban imposed by The Two Rivers Water Reclamation Authority for JNM Holdings, Inc. at 36-38 Bingham Avenue.

On motion by Councilman Rubin, seconded by Councilman Hemphill, the above eight communications were ordered received. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

ORDINANCE TO AMEND THE TRAFFIC ORDINANCE FOR COMMERCIAL TRUCKS PARKING. PUBLIC MEETING THAT WAS SCHEDULED FOR THIS MEETING WILL BE POSTPONED UNTIL THURSDAY, OCTOBER 4, 2007:

The Municipal Clerk/Administrator stated that an ordinance entitled:

**AN ORDINANCE TO AMEND THE CODE
OF THE BOROUGH OF RUMSON BY
AMENDING CHAPTER VII, TRAFFIC**

to prohibit parking of commercial vehicles at certain times on public streets, which was scheduled for public hearing at this time, will be postponed until Thursday, October 4, 2007 at 7:30 p.m.

On motion by Councilman Kammerer, seconded by Councilman Rubin , the public hearing on the abovementioned Ordinance Amendment was postponed until Thursday, October 4, 2007 on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: Broderick.

NEW BUSINESS:

RESOLUTION TO AUTHORIZE THE BOROUGH TO MAKE AN APPLICATION TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A GREEN ACRES GRANT IN THE AMOUNT OF \$400,000.00 FOR THE ACQUISITION OF GUNNING ISLAND:

The Municipal Clerk/Administrator advised that the Resolution done in 2006 authorizing the application for the Green Acres Grant had become stale making the following Resolution necessary at this time:

**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES
ENABLING RESOLUTION
GUNNING ISLAND ACQUISITION**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Rumson desires to further the public interest by obtaining a grant of \$400,000.00 from the State to fund the following project: Acquisition of part of Gunning Island in the Shrewsbury River.

NOW, THEREFORE, the Governing Body Resolves that Thomas S. Rogers or the successor to the office of Borough Administrator, is hereby authorized to:

- (a) make application for such a grant
- (b) provide additional application information and furnish such documents as may be required
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Rumson

1. That the Borough Administrator of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Gunning Island Acquisition; and
2. That the applicant is not responsible for a matching share of the project;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project; and
4. The applicant agrees to comply with all applicable federal, state and local laws, rules and regulations in its performance of the project.
5. That this resolution shall take effect immediately.

The above Resolution was moved by Councilman Rubin, seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: Broderick.

PROCLAMATION IN APPRECIATION OF THE MEMBERS OF THE RUMSON FIRE DEPARTMENT, RUMSON FIRST AID SQUAD AND THE RUMSON POLICE DEPARTMENT FOR THEIR ASSISTANCE IN FIGHTING THE MAJOR FIRE AT THE FOUNTAINS CONDOMINIUMS IN SEA BRIGHT ON FEBRUARY 5, 2007:

PROCLAMATION
OF
THE BOROUGH OF RUMSON

WHEREAS, on February 5, 2007 at 5:30 a.m. a fire broke out in Building B of the Fountains Condominium in neighboring Borough of Sea Bright, New Jersey; and

WHEREAS, in below freezing temperatures with winds gusting at twenty to twenty-five miles per hour, the volunteers of the Rumson Fire Department—Rumson Fire Company and Oceanic Hook & Ladder Company No. 1—the volunteers of Rumson First Aid Squad and the members of the Rumson Police Department assisted Sea Bright and other departments serving under a Mutual Aid Agreement to fight this major structural fire; and

WHEREAS, were it not for the quick response of the Rumson Fire Department and other fire departments that responded to the call, more structures could have been lost; and

WHEREAS, the members of the Rumson Fire Department, the Rumson First Aid Squad and the Rumson Police Department are dedicated to preserving the quality of life, property and environment through education, leadership, partnerships and effective response to emergencies; and

WHEREAS, these fine men and women have given our community exemplary service while providing a safe environment for the citizens of the Borough of Rumson, as well as neighboring communities;

NOW, THEREFORE, the Borough Council of the Borough of Rumson does hereby proclaim and recognize with great pride Rumson Fire Company, Oceanic Hook & Ladder Company No. 1, Rumson First Aid Squad and Rumson Police Department for their service and dedication.

BE IT FURTHER RESOLVED THAT a copy of this Proclamation will be presented to each of the above entities on behalf of all the members of the Council, as well as the residents of Rumson, with gratitude and appreciation.

On motion by Councilwoman DeVoe, seconded by Councilman Kammerer, the above Proclamation was carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: Broderick.

The Municipal Clerk/Administrator advised that this Proclamation would be presented to the members of the Fire Department, First Aid Squad and Police Department at the October 4, 2007 Borough Council meeting.

**RESOLUTION TO AUTHORIZE THE REFUND OF A CASH PERFORMANCE
GUARANTEE OF \$2,500 FOR THE SEWER CONNECTION FEE TO HOME & LAND
DEVELOPMENT CORP. FOR PROPERTY AT 29A HIGHLAND AVENUE:**

Councilman Hemphill offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, Home & Land Development Corp., 16A Bellevue Ave, Rumson posted a \$2,500.00 cash performance guarantee for a Sewer Connection Fee at 29A Highland Avenue; and

WHEREAS, Fred Shea, Rumson Borough Sanitary Sewer Superintendent, has inspected the project and found it to be satisfactory and therefore recommends the release of each \$2,500.00 cash performance guarantee;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Home & Land Development Corp., 16A Bellevue Ave, Rumson be issued a refund of the \$2,500.00 cash performance guarantee; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer.

Resolution seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer, Rubin, and Shanley.

In the negative: None.

Absent: Broderick.

RESOLUTION TO AUTHORIZE THE REFUND OF A CASH PERFORMANCE GUARANTEE OF \$2,500 FOR THE SEWER CONNECTION FEE TO ALEXANDER CALLANDER PLUMBING FOR PROPERTY AT 6 RIDGE ROAD:

Councilman Hemphill offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, Alexander Callander Plumbing, 1416 Winesap Drive, Manasquan, NJ 08736 posted a \$2,500.00 cash performance guarantee for a Sewer Connection Fee at 6 Ridge Road; and

WHEREAS, Fred Shea, Rumson Borough Sanitary Sewer Superintendent, has inspected the project and found it to be satisfactory and therefore recommends the release of each \$2,500.00 cash performance guarantee;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Alexander Callander Plumbing, 1416 Winesap Drive, Manasquan, NJ 08736 be issued a refund of the \$2,500.00 cash performance guarantee; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer.

Resolution seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: Broderick.

RESOLUTION TO AUTHORIZE THE REFUND OF THE \$1,000 BONDS FOR STREET OPENINGS 080/2007 AND 064/2007:

Councilman Shanley offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS,

- Robert and Diane E. Davis, 36 Highland Avenue, Rumson, NJ 07760, paid the required \$1,000.00 cash bond plus the \$100.00 application fee for Street Opening Permit Number 080/2007 and
- Center Street Builders, Inc., 503 Division Street, Perth Amboy, NJ 08862, paid the required \$1,000.00 cash bond plus the \$100.00 application fee for Street Opening Permit Number 064/2007; and

WHEREAS, Mark Wellner, Rumson Borough Superintendent of Public Works, has inspected the two projects listed above and found them to be satisfactory and therefore recommends the release of each \$1,000.00 bond;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that:

- Robert and Diane E. Davis, 36 Highland Avenue, Rumson, NJ 07760, be issued a refund of the \$1,000.00 bond and
- Center Street Builders, Inc., 503 Division Street, Perth Amboy, NJ 08862, be issued a refund of the \$1,000.00 bond; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: Broderick.

CONSENT AGENDA:

RAFFLE APPLICATION FOR RUMSON-FAIR HAVEN EDUCATIONAL FOUNDATION INC. FOR A 50/50 RAFFLE:

The Municipal Clerk/Administrator stated that he had received an application for a 50/50 raffle from Rumson-Fair Haven Educational Foundation Inc., 74 Ridge Road. Said raffle to be held at Salt Creek Grille on October 7, 2007 at 8:00 p.m.

The Clerk stated that the application was in order and fees paid.

RAFFLE APPLICATION FOR THE JUNIOR LEAGUE OF MONMOUTH COUNTY:

The Municipal Clerk/Administrator stated that he had received an application for a raffle from Junior League of Monmouth County, 55 Center Street. Said raffle to be held at 55 Center Street on October 13, 2007 at 2:00 p.m.

The Clerk stated that the application was in order and fees paid.

RAFFLE APPLICATION FOR THE JUNIOR LEAGUE OF MONMOUTH COUNTY FOR A 50/50 RAFFLE:

The Municipal Clerk/Administrator stated that he had received an application for a 50/50 raffle from Junior League of Monmouth County, 55 Center Street. Said raffle to be held at 55 Center Street on October 13, 2007 at 2:00 p.m.

The Clerk stated that the application was in order and fees paid.

RAFFLE APPLICATION FOR RUMSON-FAIR HAVEN PARENT TEACHER STUDENT ASSOCIATION FOR A 50/50 RAFFLE:

The Municipal Clerk/Administrator stated that he had received an application for a 50/50 raffle from Rumson-Fair Haven Parent Teacher Student Association, 74 Ridge Road. Said raffle to be held at 74 Ridge Road on November 28, 2007 at 7:00 p.m.

The Clerk stated that the application was in order and fees paid.

On motion by Councilwoman DeVoe, seconded by Councilman Shanley, the above four items on the Consent Agenda were ordered approved. All in favor.

APPOINTMENTS BY THE MAYOR:

Mayor Ekdahl made the following appointments of the Planning Board members and Volunteer Special Police Officers (for traffic control during fire and first aid emergencies):

Alex J. Shanley as Member and Vice Chairman of the Planning Board,
term to expire 12/31/2009

Ann B. White as Member of the Planning Board
term to expire 12/31/2009

Frank G. Hewitt as Alternate #1 Member of the Planning Board
term to expire 12/31/2008

Lora Campbell as Alternate #2 Member of the Planning Board
term to expire 12/31/2008
John "Buff" Anderson as Volunteer Special Police Officer
Robert Anderson as Volunteer Special Police Officer
Edward Duffy as Volunteer Special Police Officer
James Janeczko as Volunteer Special Police Officer
Raymond Kelly as Volunteer Special Police Officer
Ed Krystopowicz as Volunteer Special Police Officer
Robert Marass, Jr. as Volunteer Special Police Officer
Kevin McCarthy as Volunteer Special Police Officer
Mark Osmulski as Volunteer Special Police Officer
Claire Peluso as Volunteer Special Police Officer
Frederick Shea as Volunteer Special Police Officer
Joseph Sorrentino as Volunteer Special Police Officer
Mike Trivett as Volunteer Special Police Officer
Robert Wolkom as Volunteer Special Police Officer

The above appointments to the Planning Board and Volunteer Special Police Officers are effective September 20, 2007.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the above appointments by the Mayor were approved. All in favor.

ANNOUNCEMENTS BY THE MAYOR:

Mayor Ekdahl made the following announcement:

On behalf of the Borough Council, I would like to wish all of our Jewish residents and friends a happy Yom Kippur, which begins tomorrow.

Thank you.

COMMENTS FROM THE COUNCIL:

The Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

COMMENTS FROM THE PUBLIC:

The Mayor afforded the public an opportunity to be heard at this time and the following resident responded:

Dr. David Segal of 58 Bingham Avenue stated that he had two topics to bring up to the Council this evening:

Dr. Segal's first concern was for public safety. He stated that there was heavy traffic on Bingham Avenue and that the area contained many families with children who walked to and from school on Bingham Avenue between River Road and the three schools. He added that many

vehicles turn onto Church Street creating a hazardous situation for the children crossing at the corner of Church Street and Bingham Avenue.

His second concern was in regard to the offices proposed for the property at 36-38 Bingham Avenue, which would increase the traffic on the street and voiced his opposition to allowing this commercial building in a residential zone and historic part of town. He stated that several of the homes in that area of Bingham Avenue were built many years ago, one around 1850 and his house in 1780.

Mayor Ekdahl stated that, in reference to his first point, this section of Bingham Avenue had been reconstructed a year ago and, with Council endorsement, the Police Department requested that the County make Bingham Avenue no passing.

The Municipal Clerk/Administrator reported that we have not gotten an answer because the County advised that it was a State D.O.T. decision and added that we had requested that the speed limit be lowered also.

Mayor Ekdahl stated that Bingham Avenue was not a Borough road but that he shared Dr. Segal's concerns and hopefully the right decision would be made by the State and County. As for the issue with Church Street, the Mayor stated that there was no easy answer for placement of a crossing guard at that location because it was out of the range of the locations where we put crossing guards. He added that we have had a problem getting crossing guards for the existing locations.

Dr. Segal asked if it would be possible to make Church Street a one-way street.

Mayor Ekdahl stated that the Borough had only a few one-way streets where they were really necessary but that the Council was resistant to making more.

Dr. Segal stated that he was afraid that a child would be hit by a car at that corner.

Mayor Ekdahl stated that the Council was resistant to changing the rural character of the Borough by making one-way streets. He stated that for every person that endorsed the one-way street, there might be three that opposed it. Mayor Ekdahl stated that it was reasonable to have the Police Department monitor the traffic and situation at Church Street and Bingham Avenue for a week to determine if there was a need.

Mayor Ekdahl stated that, as to Dr. Segal's second concern, he advised that the coming before the Borough Council was not the correct venue for the proposed commercial building at 36-38 Bingham Avenue. The matter comes before the Zoning Board of Adjustment and that is where Dr. Segal should voice his concerns. He added that the Borough Council has no jurisdiction over the Zoning Board or the Planning Board, other than appointing the members, but cannot influence the decisions of the Boards.

In answer to a comment by Dr. Segal, Mayor Ekdahl stated that he was not aware that the 36-38 Bingham Avenue property was in an historic zone and that there were no historic zones designated in the Borough of Rumson. The Mayor said that it was not to say that we don't need some historic zones, but that currently there were none. Mayor Ekdahl advised that the property in question had contained two not very attractive houses until they were demolished and that the property borders on the Business Zone with no residences on any property line—one side was a

public building and the other side and rear were commercial. He added that the property owner was the same person responsible for the restoration of Bingham Hall and that he felt that the last thing that individual would want to do would be anything that would negate the historic and costly restoration of Bingham Hall.

In response to Dr. Segal's suggestion that the Borough purchase the property to be used as a park, Mayor Ekdahl said that the Borough was in the process of purchasing additional land to increase the size of an existing park but that the Borough just didn't have the resources to purchase property whenever it came on the market.

Councilwoman DeVoe added that the property was not currently for sale.

Mayor Ekdahl added that the size and location of the property wasn't really suited for a park, other than a pocket park. He added that we were proud of the existing parks and the amount of money that we have put into them in recent years for the improvements to update and beautify them within our budget.

Dr. Segal thanked the Mayor and Council for their time and consideration.

Mayor Ekdahl thanked Dr. Segal for his comments.

FINANCIAL OFFICER'S REPORT:

There was no Financial Officer's Report at this time due to a computer failure earlier in the day.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Kammerer offered the following resolution and moved its adoption:

\$	17.40	NJ State Dept of Health
\$	17.40	Animal Control Account
\$	14,227.50	Avakian Inc Leon S
\$	18,249.51	McCarter & English LLP
\$	7,815.00	Motorola Inc
\$	40,292.01	Capital Account
\$	1,954,594.92	Rumson Elementary School Dist
\$	171.31	Action Office Supplies
\$	210.00	Allcom Technologies Inc
\$	636.04	AR Communications
\$	92.68	Asbury Park Press
\$	67.95	AT&T
\$	525.00	Autoglass Rx
\$	560.00	Avakian Inc Leon S
\$	10.00	Bob's Uniform Shop
\$	225.72	Bry Marina
\$	177.98	Builders General Supply Co

\$	98.00	Butches Auto Car Wash
\$	23.52	Clayton Block Company Inc
\$	104.95	Comcast of Monmouth
\$	4,001.30	Custom Tire Associates
\$	396.55	DAS Manufacturing Inc
\$	83.75	Deptcor
\$	5,514.92	Detcon
\$	974.80	Emergency Medical Products
\$	76.15	Fair Haven Hardware
\$	96.29	Fire & Safety Service
\$	1,070.00	Garden State Highway
\$	280.50	William & Iris Kirkpatrick
\$	750.00	Alvin Krass PhD
\$	194.90	Lanigan Associates Inc
\$	435.03	Lawson Products Inc
\$	40.00	MCAA of Monmouth County
\$	402.50	McCarter & English LLP
\$	8,163.00	Mickey Benoit Inc
\$	1,574.00	Micro Strategies
\$	30,261.98	Treasurer County of Monmouth
\$	165.00	Monmouth County Police Academy
\$	236.80	Monmouth Sprinkler Co
\$	647.41	Monmouth Telecom
\$	345.79	Moore Medical
\$	116.73	Naylor's Inc
\$	602.00	Nelson Press
\$	315.18	NJ Natural Gas Co
\$	685.00	New Jersey Gravel & Sand
\$	455.66	Norwood Auto Parts
\$	99.99	R&H Spring and Truck Repair
\$	360.00	Rex Sign Co
\$	18.43	Hope Richardson
\$	1,795.00	Roy Press Printers
\$	280.50	Doris M Shea
\$	85.00	Shea Communications Inc
\$	193.80	Sherwin-Williams Co
\$	675.00	State Shorthand Reporting Serv
\$	281.92	Staples Business Advantage
\$	464.31	Storr Tractor
\$	97.50	Strategic Products and Service
\$	444.50	Jeffrey R Surenian & Assoc
\$	53.43	Janice Swaggerty
\$	6,093.50	T & M Associates
\$	157.50	Targeted Technologies LLC
\$	7.95	The Image Shop Inc
\$	75.00	Treasurer State of NJ
\$	880.33	Trico Equipment Inc
\$	257.21	Verizon Wireless
\$	132.09	George Wall Lincoln Mercury

\$	2,027,836.27	Current Fund
\$	1,275.00	Charles V Bell Associates Inc
\$	227.88	City of Long Branch
\$	359.88	Rumson Buy Rite
\$	1,862.76	Endowment Inc Account
\$	6,389.58	Athlete's Alley
\$	131.27	John Hird
\$	443.52	Lesco Inc
\$	350.00	Nappi Trucking Corp
\$	444.00	Sherwin-Williams Co
\$	7,758.37	Recreation Account
\$	2,500.00	Alexander Callander Plumbing
\$	1,000.00	Center St Builders Inc
\$	1,000.00	Robert & Diane E Davis
\$	2,500.00	Home and Land Development
\$	7,000.00	Trust Account
\$	2,027,836.27	Current Fund Appropriations
\$	17.40	Animal Control Fund Expenses
\$	40,292.01	Capital Fund Disbursements
\$	1,862.76	Endowment Disbursements
\$	7,758.37	Recreation Disbursements
\$	7,000.00	Trust Fund – Other Expenses
\$	2,084,766.81	Total Of All Funds

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: Broderick.

ADJOURNMENT:

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the meeting adjourned at 7:55 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers, R.M.C.
Municipal Clerk/Administrator